

(5)
6/22/01
vfy

see also

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL NORWOOD	:	CIVIL NO: 1:CV-01-1005
Plaintiff,	:	
	:	(Judge Caldwell)
v.	:	
	:	(Magistrate Judge Smyser)
DONALD ROMINE,	:	
Defendant	:	

FILED
HARRISBURG, PA

JUN 21 2001

MARY E. D'ANDREA, CLERK
PER *[Signature]* DEPUTY CLERK

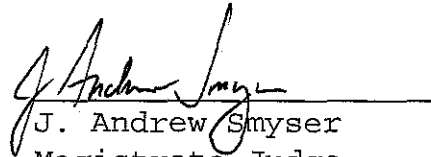
ORDER

On June 6, 2001, the plaintiff, a federal prisoner proceeding *pro se*, commenced this action by filing a complaint. On June 11, 2001, the plaintiff filed a motion for leave to file an amended complaint. Also on June 11, 2001, the plaintiff filed an amended complaint.

Pursuant to Fed.R.Civ.P. 15(a) the plaintiff may amend his complaint once as a matter of course at any time before a responsive pleading is served. Since the plaintiff has already filed his amended complaint and because he did not need leave of court to file his amended complaint, his motion for leave to file an amended complaint will be denied as moot.

We note that because the plaintiff is not proceeding *in forma pauperis* in this case the court will not direct that the Clerk of Court serve the complaint on the defendant. The plaintiff must serve his complaint on the defendant in accordance with Fed.R.Civ.P. 4.

AND NOW, this 21st day of June, 2001, IT IS HEREBY ORDERED that the plaintiff's motion (doc. 3) for leave to file an amended complaint is DENIED AS MOOT.


J. Andrew Smyser
Magistrate Judge

Dated: June 21, 2001.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

June 21, 2001

Re: 1:01-cv-01005 Norwood v. Romine

True and correct copies of the attached were mailed by the clerk
to the following:

Michael Norwood
USP-LEW
U.S. Penitentiary at Lewisburg
06970-014
P.O. Box 1000
Lewisburg, PA 17837

cc:

Judge	()	() Pro Se Law Clerk
Magistrate Judge	()	() INS
U.S. Marshal	()	() Jury Clerk
Probation	()	
U.S. Attorney	()	
Atty. for Deft.	()	
Defendant	()	
Warden	()	
Bureau of Prisons	()	
Ct Reporter	()	
Ctroom Deputy	()	
Orig-Security	()	
Federal Public Defender	()	
Summons Issued	()	with N/C attached to complt. and served by: U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5	()	
Order to Show Cause	()	with Petition attached & mailed certified mail to: US Atty Gen () PA Atty Gen () DA of County () Respondents ()
Bankruptcy Court	()	
Other _____	()	

MARY E. D'ANDREA, Clerk

DATE: 6/21/01

BY: 
Deputy Clerk